

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawaii 96813

April 26, 2013

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawai'i

Kaua'i

Consent to Assign General Lease No. SP-0181, Erik Paul Coopersmith, Assignor, to Erik Paul Coopersmith, Ruth Belmonte and Adrien Malina, Assignees, Lot 29, Kōke'e Campsites Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4) 1-4-004:021

APPLICANT:

Erik Paul Coopersmith, Assignor, to Erik Paul Coopersmith, Ruth Belmonte and Adrien Malina, Assignees.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Lot 29, Kōke'e Campsites Lots, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-4-004:021, as shown on the attached legal description and survey map labeled Exhibit A.

AREA:

.71 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_ NO X

CHARACTER OF USE:

Recreation - residence.

ITEM E-2

TERM OF LEASE:

Twenty (20) years, commencing January 1, 2009, and expiring on December 31, 2029.  
There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

\$4,500.00.

CONSIDERATION:

\$1.00 and love.

RECOMMENDED PREMIUM:

\$0.00.

DCCA VERIFICATION:

Not required. Applicant is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/Assignee shall prepare and submit fully executed assignment of lease and meet other requirements as described herein.

REMARKS:

Mr. Coopersmith entered in to the lease cited above effective January 6, 2009 as a result of direct negotiations with the Department of Land and Natural Resources (DLNR) pursuant to Act 223 SLH 2008 and held the previous lease covering the property.

Lessee is in compliance with the lease terms and conditions. Staff notes that the term of the lease is for a period of 20 years commencing January 1, 2009. On the first page of the lease, however, the termination date is listed as December 31, 2029 in error. This would indicate a 21 year lease and is inconsistent with Act 223. Upon consultation with the Department of the Attorney General, a simple amendment can be made to the lease correcting the termination date to read December 31, 2028. Staff recommends this be completed simultaneously with the other documents necessary for the assignment.

Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Rent re-opening is not scheduled until after the first ten years of the lease. There are no outstanding rental reopening issues.

No comments have been solicited or received from any agency or the community.

RECOMMENDATION:

That the Board consent to the Assignment of General Lease No. SP-0181, from Erik Paul Coopersmith, Assignor, to Erik Paul Coopersmith, Ruth Belmonte and Adrien Malina, Assignees, subject to the following:

- a. That the lease be amended to correct the termination date to read December 31, 2028;
- b. The standard terms and conditions of the most current consent and/or amendment to lease forms, as may be amended from time to time;
- c. Review and approval by the Department of the Attorney General; and,
- d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



DANIEL S. QUINN  
State Parks Administrator

APPROVED FOR SUBMITTAL:



WILLIAM J. AILA, JR., Chairperson

Exhibit A - Legal Description and Survey Map



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES

HONOLULU

C.S.P. No. KAUII FILE  
FOLDER 3

November 2, 1966

KOKEE CAMP SITE LOTS

LOT 29

Waimea (Kona), Kauai, Hawaii

Being a portion of Kokee Park  
(Governor's Executive Order 1509)

Beginning at a pipe at the northwest corner of this lot, the southwest corner of Lot 30 of Kokee Camp Site Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KOKEE" being 667.37 feet North and 224.35 feet East, as shown on H.S.S. Plat 3096, thence running by azimuths measured clockwise from True South:-

- 1. 289° 23' 30" 147.28 feet along Lot 30 of Kokee Camp Site Lots to a pipe;
- 2. 27° 58' 30" 144.20 feet along Lot 28 of Kokee Camp Site Lots to a pipe;
- 3. 86° 43' 30" 224.44 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to a pipe;
- 4. 218° 56' 30" 243.10 feet along the remainder of Kokee Park (Governor's Executive Order 1509) to the point of beginning and containing an AREA OF 0.71 ACRE.

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

By: Akira Taga  
Akira Taga  
Land Surveyor

Compiled from maps by  
Henry Sumida and Associates,  
Inc. and Govt. Survey Records.

1.9 M. - ... Area Coord. J. C. ...  
0.0071 0.005E 0.005A

EXHIBIT "A"

